

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

**TRACY MORTON, on behalf of Herself
and All Others Similarly Situated,**

Plaintiff,

v.

THE VANDERBILT UNIVERSITY,

Defendant.

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Civil Action No. 3:13-CV-01012

Judge Campbell

Magistrate Judge Griffin

**MOTION TO DISMISS PLAINTIFF’S FIRST AMENDED COMPLAINT
FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE
GRANTED ON BEHALF OF THE DEFENDANT, THE VANDERBILT
UNIVERSITY**

Pursuant to the provisions of Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Defendant The Vanderbilt University moves the Court to dismiss the claim filed against it on the grounds that the Amended Complaint fails to state a claim against it upon which relief can be granted and it is entitled to judgment as a matter of law. Alternatively, Defendant moves the Court to limit discovery in this case in the initial phase to the limited issue of whether employees of the Defendant who received notice on September 17, 2013 of their layoff to be effective on or after November 16, 2013 were “terminated” or suffered an “employment loss” on the earlier date, which is an essential fact to support Plaintiff’s claim under the Worker Notification & Retraining Notification (“WARN”) Act. A Memorandum of Law in support of this Motion is filed herewith.

Dated this 1st day of November, 2013.

Respectfully submitted,

s/ William N. Ozier

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been furnished via the Court's electronic filing system to the following, on this 1st day of November, 2013:

George Edward Barrett
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s/ William N. Ozier

William N. Ozier

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